

Wallace Yard & Spurs

Clifford Villa to: Robert.Lawrence, craigt

Cc: fransenc, Ed Moreen

02/28/2007 04:55 PM

Bob, Craig:

I don't know if you've heard a report back from our respective clients and consultants after their meeting last Thursday, but what I hear was encouraging news for pursuing a final EE/CA and getting it out for public comments in a matter of weeks. Assuming public comment period for the month of April, we should have a signed Action Memo by the end of May. I understand that both EPA and IDEQ project managers are very interested in getting response work started this field season, and that raises, of course, the issue of the schedule for negotiating a consent decree. Assuming the full cooperation of your clients, it may still be ambitious to negotiate a CD, lodge with the court, respond to comments, and get the judge to enter the decree before the end of summer. However, we're still aiming to try.

Consistent with that, I'm hoping that some of the technical attachments for the CD could at least begin to be developed concurrent with the comment period on the EE/CA. I'm also hoping that any unresolved issues between the railroads won't hold up the CD negotiations. If there is any delay, of course you know that we could issue an administrative order to the railroads jointly, and this might serve as a useful bridge until the CD is entered. Bob may recall that work on the ROW began under order until superseded by the CD.

For now, I would appreciate your sense of issues to be resolved and timing for resolution in order to reach a final CD for the Wallace Yard / Spur Lines. If you prefer, feel free to call me to discuss the matters in private, and I will of course maintain that confidence unless indicated otherwise.

Regards,

Cliff Villa
Assistant Regional Counsel
U.S. EPA Region 10